

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 10<sup>th</sup> DAY OF JANUARY 2013

BEFORE

**THE HON'BLE MR. JUSTICE DILIP B BHOSALE**

W.P.NO.44805/2012 (GM-RES)

BETWEEN

A. AJITH PRASAD  
58 YEARS  
PUBLIC INFORMATION OFFICER &  
DEPUTY DIRECTOR OF PUBLIC INSTRUCTIONS  
CHIKKABALLAPUR DISTRICT  
CHIKKABALLAPUR-562101

... PETITIONER

(By Sri. N S VIJAYANTH BABU )

AND

1. KARNATAKA STATE INFORMATION COMMISSION  
REPRESENTED BY ITS SECRETARY  
GATE-2, 3RD FLOOR  
M.S.BUILDING, AMBEDKAR VEEDHI  
BANGALORE-560 001

2. V.SRINIVASAPPA  
MAJOR  
3RD CROSS ROAD  
SHETTIHALLI LAYOUT  
BEHIND MUNICIPAL COLLEGE  
CHIKKABALLAPUR-562101

... RESPONDENTS

(By Sri. G.B. SHARATH GOWDA FOR R-1)

(By Sri. : K V NARASIMHAN FOR R2)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE R1 TO DROP THE PROCEEDINGS PENDING BEFORE IT IN CASE N.KIC 8090-PTN 2011 AGAINST THE PETITIONER FILED BY THE R2 AS ANOT MAINTAINABLE.

THIS W.P. COMING ON FOR PRELIMINARY HEARING THIS DAY, THE COURT MADE THE FOLLOWING:

**PC:**

Heard learned counsel for the parties.

2. This writ petition, filed by the Public Information Officer and Deputy Director of Public Instructions, Chikkaballapur impugns the order dated 30<sup>th</sup> of August, 2012, passed by the 1<sup>st</sup> respondent – State Information Commission imposing fine of Rs.25,000/- on the petitioner for committing breach of the undertaking and for not furnishing information to the original applicant within the stipulated time. It appears that the petitioner took over as a Public Information Officer when the second appeal filed by the 2<sup>nd</sup> respondent was pending before the State Commission. In the second appeal on 24.1.2012, the

petitioner's authorized representative appeared and gave undertaking on behalf of the petitioner that the petitioner shall furnish the information sought by respondent no. 2 - applicant. The petitioner however, did not comply with the undertaking within 15 days and addressed a letter dated 7.3.2012 to respondent no.2 stating that if the first appellate authority directs that the information should be furnished, then he would transfer the file to the first appellate authority which should furnish the information. This letter further shows that the petitioner not only committed default in furnishing information within 15 days as per the undertaking but he refused to furnish information sought by respondent no.2. Learned counsel for the petitioner submitted that it was not possible for the petitioner to furnish the information sought by respondent no.2. If that was so, the only option open to the petitioner was to approach the State Information Commission for seeking appropriate relief or to get himself relieved of the undertaking recorded in the order dated 24.1.2012 within

15 days. In view thereof a show cause notice was issued to the petitioner on 16.2.2012 by the State Commission. On 7.6.2012 petitioner appeared before the Commission through his authorized representative. On that date the State Commission directed him to appear before the State Commission along with the record on 30<sup>th</sup> August, 2012. On that day also petitioner did not appear before the State Commission. It is against this backdrop and having considered the conduct of the petitioner, the order impugned in the present writ petition cannot be interfered with.

Hence the petition is dismissed.

**Sd/-**  
JUDGE

SAK